## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA FORT WAYNE DIVISION

CARL L. BOWERS,		)
	Plaintiff,	)
VS.		) Civ. No.: 1:19-cv-00091
H & H DISPOSAL, LLC,		)
	Defendant.	)

## **NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, Defendant H & H Disposal, LLC ("H & H Disposal") removes this action to United States District Court for the Northern District of Indiana, Fort Wayne Division. In support of Removal, H&H Disposal states:

- 1. On February 6, 2019, Plaintiff Carl L. Bowers filed a Complaint in Huntington County Superior Court entitled *Carl L. Bowers v. H & H Disposal, LLC*, Cause No. 35D01-1902-CT-000095 (the "State Court Action"). The State Court Action is currently pending in Huntington County Superior Court.
- 2. H & H was served with a copy of the Summons and Complaint on February 21, 2019. True and correct copies of the Summons and Complaint are attached as **Exhibit A**. All other pleadings filed in the State Court Action that have been served on H & H are attached as **Exhibit B**.
- 3. Removal of the State Court Action is within thirty (30) days after H & H received proper service of the Summons and Complaint and therefore timely pursuant to 28 U.S.C. § 1446(b).

4. The events in the State Court Action are alleged to have occurred in Huntington County, Indiana. Pursuant to 28 U.S.C. § 1441(a), the Northern District of Indiana, Fort Wayne

Division, is the appropriate forum for removal of the State Court Action.

5. Plaintiff's complaint alleges violations of the Fair Labor Standards Act ("FLSA")

and the Americans with Disabilities Act ("ADA"). This Court has original jurisdiction over

FLSA and ADA claims pursuant to 28 U.S.C. § 1331.

6. Plaintiff's complaint also alleges that he was terminated in retaliation for filing a

worker's compensation claim in violation of Indiana law. This court has supplemental

jurisdiction over state law retaliation claims pursuant to 28 U.S.C. § 1367.

7. Pursuant to 28 U.S.C. § 1446(d), written notice of this removal of the State Court

Action has been given to counsel for Plaintiff and a State Court Notice of Removal has been

simultaneously filed in Huntington County Superior Court.

WHEREFORE, Defendant H & H Disposal, LLC respectfully requests that the Court

assume jurisdiction over this case in accordance with 28 U.S.C. §§ 1331.

Respectfully submitted,

/s/ Scott James Preston

**Scott James Preston** 

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Attorney for Defendant H & H Disposal, LLC

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 15, 2019, a true and accurate copy of the foregoing *Notice of Removal* was filed electronically with the Court. Notice of this filing will be sent to the following by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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/s/ Scott James Preston
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